



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,304	02/13/2004	Sheng-He Huang	CIP2411A-SHH	7978
7590 11/03/2008				
Sheng-He Huang 6824 Brentwood AVE Arcadia,, CA 91007				
EXAMINER				
PORTNER, VIRGINIA ALLEN				
ART UNIT		PAPER NUMBER		
1645				
MAIL DATE		DELIVERY MODE		
11/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10779304	2/13/04	HUANG, SHENG-HE	CIP2411A-SHH

RAYMOND Y. CHAN
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK, CA 91754

EXAMINER

GINNY PORTNER

ART UNIT	PAPER
1645	20080318

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please see attached narrative.

Bona fide Attempt/Non-Responsive Letter

- The reply filed on January 8, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): While Applicant elected a Group, specifically Group I, directed to cancelled claims 1-2. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

2. The amendments filed on January 8, 2008 adds new claims 18-19 which excludes determining the nucleic acid sequence of *ibeA* which was a requirement methods step in original claim 1 and 2 (claim 1, step (d)), therefore the newly submitted claims are not directed to the originally elected invention. All claims 3-17 and new claims 18-19 are drawn to non-elected inventions and therefore Applicant's amendment submitted January 8, 2008 is considered to be non-responsive (MPEP § 821.03). The claims are not readable on the previously elected invention because the methods and products differ in structure function and biological/chemical effect.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in

Art Unit: 1645

order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GINNY PORTNER whose telephone number is (571)272-0862. The examiner can normally be reached on flextime, but usually M-F, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on 571-272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ginny Portner/

Examiner, Art Unit 1645

/Mark Navarro/

Primary Examiner, Art Unit 1645